(2)

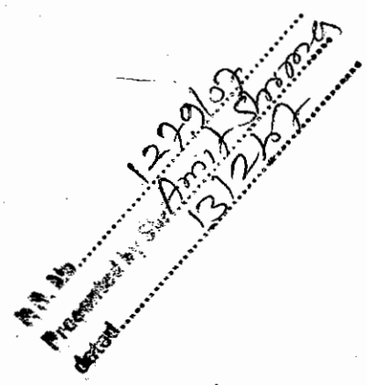
SINGLE BENCH

CF 100 L (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W. P. (S) No. 995/07 / 2007

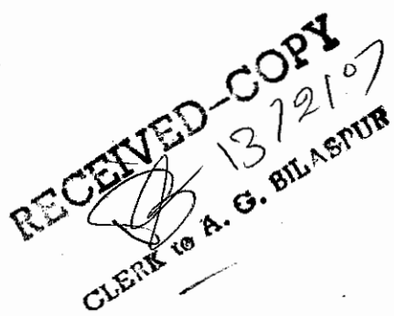
PETITIONER : Bhagwan Prasad Gadhe, S/o. Shri Fulchand Gadhe, aged about 40 years, Working as Assistant Teacher, Govt. Primary School - Sitamadi - Korba, Distt. - Korba (C.G.)



VERSUS

RESPONDENTS

1. State of Chhattisgarh Through The Secretary Department of School Education D.K.S. Bhawan, Mantralaya Raipur (C.G.)
2. The District Education Officer, Distt. - Blaspur(C.G.)
3. Assistant Commissioner, Tribal Welfare Department Korba (C.G.)
4. Block Education Officer, Block - Korba, Kartala, Katghora Distt. - Korba (C.G.)



WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS, CERTIORARI OF ANY OTHER WRIT OF LIKE NATURE

The petitioner most humbly begs to submit as under:-

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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 995 of 2007

Petitioner : Bhagwan Prasad Gadhe

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Amit Sharma, Advocate for the petitioner.

Ms. Deepali Pandey, P.L. for the respondents/State.

O R D E R

(Passed on 21st Day of February, 2007)

1. The petitioner was appointed vide order dated 6/10/1989 (P/1) as Assistant Teacher on fixed pay scale of Rs. 300/-. After completion of one year probation, he was granted regular pay scale of Rs. 975-1650.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the

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decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Yogesh